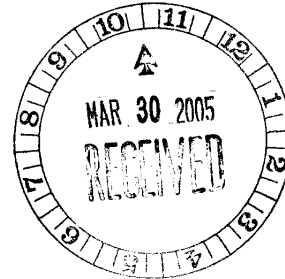


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BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34670



**FILED**

MAR 30 2005

STB FINANCE DOCKET NO. 34670

FIRST COAST RAILROAD, INC.

- LEASE AND OPERATION EXEMPTION -

CSX TRANSPORTATION, INC.

**NOT RECEIVED**

MAR 30 2005

OFFICE  
TELEPHONE ROOM

ENTERED  
Office of Proceedings

MAR 30 2005

Part of  
Public Record

VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.31, et seq.

ERIC M. HOCKY  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center  
Suite 200  
1600 John F. Kennedy Blvd.  
Philadelphia, PA 19103-2808  
(215) 563-9400

Dated: March 29, 2005

Attorneys for First Coast Railroad, Inc.

STB FINANCE DOCKET NO. 34670

**FIRST COAST RAILROAD, INC.  
- LEASE AND OPERATION EXEMPTION -  
CSX TRANSPORTATION, INC.**

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**VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.31, et seq.**

This Verified Notice is filed pursuant to 49 C.F.R. §1150.31 by First Coast Railroad, Inc. ("FCRD"), a non-carrier, to exempt from regulation under 49 U.S.C. §10901, its lease and operation of the lines of railroad (the "Rail Lines") (a) between Yulee, FL (MP S 611.75) and the end of track at Seals, GA (MP S 593.4) on the Kingsland Subdivision, and (b) between Yulee, FL (MP SMA 35.1) and the end of track at Fernandina, FL (MP SMA 48.38) on the Fernandina Subdivision. The Rail Lines are currently owned and operated by CSX Transportation, Inc. ("CSXT"). The total mileage of the Rail Lines is approximately 31.63 miles.

This notice is related to the notice of exemption being filed in *Genesee & Wyoming Inc. - Continuance in Control Exemption - First Coast Railroad, Inc.*, STB Finance Docket No. 34671.

**Notice**

In accordance with 49 C.F.R. §1150.33, FCRD hereby states as follows:

- (a) The full name and address of Applicant are: First Coast Railroad, Inc., 4337 Pablo Oaks Court, Suite 200, Jacksonville, FL 32224.
- (b) The name, address and telephone number of the representative of FCRD who should receive correspondence are: Eric M. Hocky, Esquire, Gollatz, Griffin &

Ewing, P.C., Four Penn Center, Suite 200, 1600 John F. Kennedy Blvd., Philadelphia, PA 19103-2808; (215) 563-9400.

(c) FCRD and CSXT are finalizing the terms of the lease, and will have entered into the lease prior to the commencement of operations by FCRD which is expected to be on or after April 9, 2005.

(d) FCRD will be the operator of the Rail Lines.

(e) Brief Summary of the Proposed Transaction:

FCRD is entering into a lease agreement with CSXT, and will become the operator of the Rail Lines. The lease will allow CSXT to reduce its capital needs, to rationalize its rail system and to restructure its business, while giving FCRD the ability to preserve rail service to existing customers and to try to increase business on the Rail Lines.

(1) The name and address of the company transferring the Rail Lines are: CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202.

(2) FCRD expects to commence operations on or after April 9, 2005, more than seven days after the filing of this Notice of Exemption.

(3) The mileposts of the Rail Lines are (i) between Yulee, FL (MP S 611.75) and the end of track at Seals, GA (MP S 593.4) on the Kingsland Subdivision, and (ii) between Yulee, FL (MP SMA 35.1) and the end of track at Fernandina, FL (MP SMA 48.38) on the Fernandina Subdivision.

(4) The total mileage to be leased and operated is approximately 31.63 miles.

(f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Lines.

(g) FCRD certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier.<sup>1</sup>

### **Environmental and Historic Reports**

Pursuant to 49 C.F.R. §1105.6(c)(2)(i), no environmental documentation should be required because this proceeding involves authority for a lease under 49 U.S.C. §10901 for continued operations that will not exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (e)(5).

No historic report under 49 C.F.R. §1105.8(b)(1) should be required because the transaction merely involves an acquisition for continued rail operations, and further Board approval is required to discontinue or abandon any service. FCRD has no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older.

### **Labor Protection**

Pursuant to 49 U.S.C. §10901(e), approval of this transaction may not be subjected to labor protection conditions.

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<sup>1</sup> FCRD additionally certifies that its projected revenues after the transaction will not exceed \$5,000,000 per year.

**Caption Summary**

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R.

§1150.34.

Respectfully submitted,



ERIC M. HOCKY  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center  
Suite 200  
1600 John F. Kennedy Blvd.  
Philadelphia, PA 19103-2808  
(215) 563-9400

Dated: March 29, 2005

Attorneys for First Coast Railroad, Inc.

# VERIFICATION

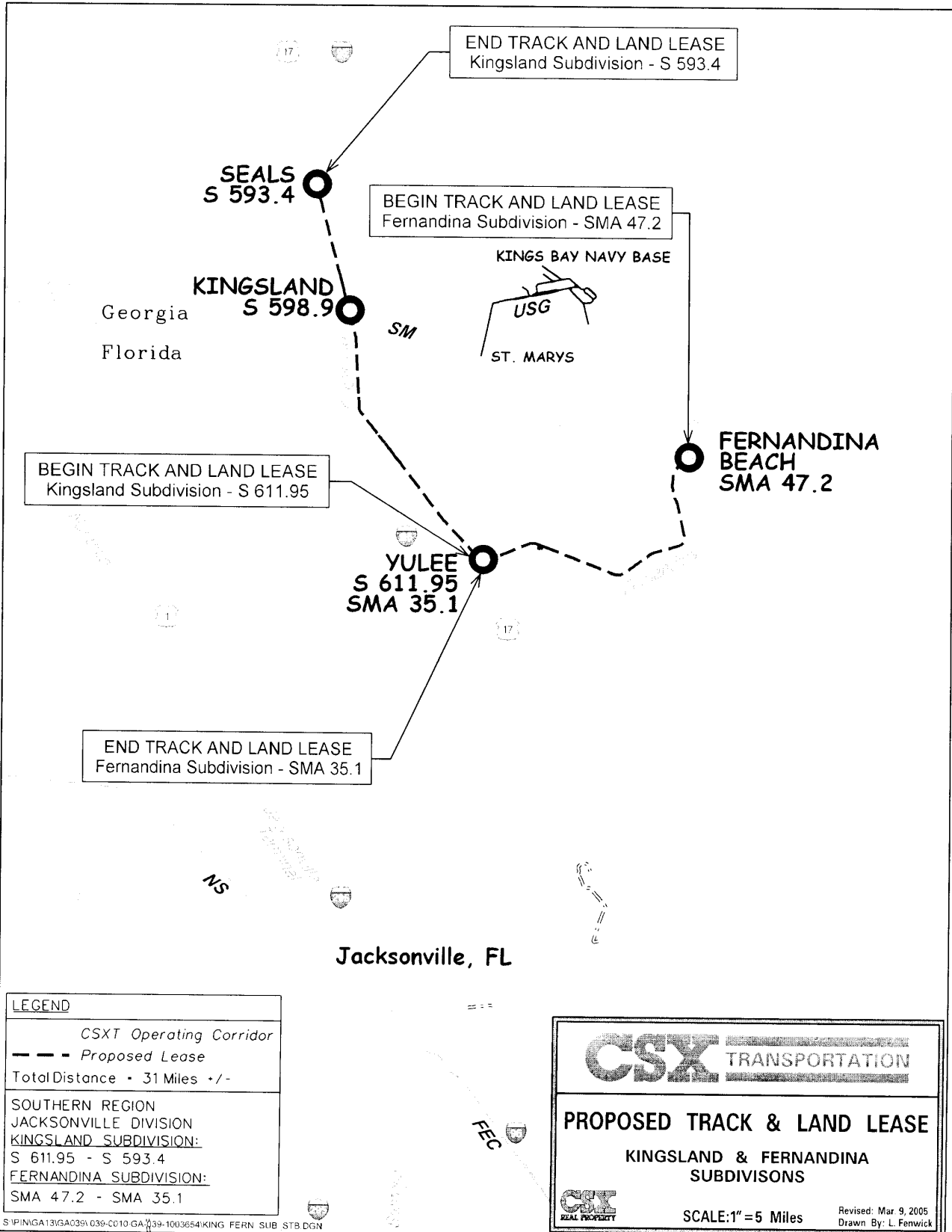
I, James W. Benz, President of First Coast Railroad, Inc., verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file the foregoing document.

Executed on March 29, 2005.

  
James W. Benz

MAP

EXHIBIT A





**CAPTION SUMMARY**

**EXHIBIT B**

BEFORE THE  
**SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO. 34670

**FIRST COAST RAILROAD, INC.**  
**- LEASE AND OPERATION EXEMPTION -**  
**CSX TRANSPORTATION, INC.**

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First Coast Railroad, Inc., a non-carrier, has filed a Notice of Exemption to lease from CSX Transportation, Inc., and to operate, the rail lines (a) between Yulee, FL (MP S 611.75) and the end of track at Seals, GA (MP S 593.4) on the Kingsland Subdivision, and (b) between Yulee, FL (MP SMA 35.1) and the end of track at Fernandina, FL (MP SMA 48.38) on the Fernandina Subdivision. The total mileage to be leased and operated is approximately 31.63 miles. This notice is related to the notice of exemption being filed in *Genesee & Wyoming Inc. - Continuance in Control Exemption - First Coast Railroad, Inc.*, STB Finance Docket No. 34671.

Comments must be filed with the Board and served on First Coast Railroad, Inc.'s representative, Eric M. Hocky, Esquire, Gollatz, Griffin & Ewing, P.C., Four Penn Center, Suite 200, 1600 John F. Kennedy Blvd., Philadelphia, PA 19103-2808, (215) 563-9400.

The Notice is filed under 49 C.F.R. §1150.31. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.